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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,251	09/19/2003	Edward G. Guirlinger	29291.04000	1137
75	90 11/18/2004		EXAM	INER
Robert R. Lech, Esq.			SHRIVER II, JAMES A	
Calfee, Halter &	Griswold LLP			
Suite 1100			· ART UNIT	PAPER NUMBER
21 East State St.			3618	
Columbus, OH 43215-4243			DATE MAIL ED. 11/19/00	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)
Qffice Action Summary	10/667,251	GUIRLINGER, EDWARD G.
dince Action Summary	Examiner	Art Unit
The MAN INC DATE of this communication and	J. Allen Shriver	3618
The MAILING DATE of this communication app Period for Reply	lears on the cover sneet with the c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).
Status		
 1) Responsive to communication(s) filed on 19 Section 2a) This action is FINAL. 2b) This Since this application is in condition for allower closed in accordance with the practice under Expression 25 or 25 or	action is non-final. nce except for formal matters, pro	
Disposition of Claims		
4) ☐ Claim(s) 1-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-21 are subject to restriction and/or expressions.	vn from consideration.	
Application Papers		
 9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the Replacement drawing sheet(s) including the correct and the correct of the contract of the correct and the correct of t	epted or b) objected to by the I drawing(s) be held in abeyance. See ion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicati ity documents have been receive i (PCT Rule 17.2(a)).	on No ed in this National Stage
Attachment(s)		
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-15, drawn to a tool organizer having a plurality of wheels attached to the frame, classified in class 280, subclass 47.19.
 - II. Claims 16-19, drawn to a tool bag, classified in class 224, subclass 904.
 - III. Claims 20-21, drawn to a method of monitoring a tool set, classified in class 705, subclass 28.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as being used as a tool belt that can be worn by a construction worker on-site. See MPEP § 806.05(d).
- 3. Inventions III and I are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the tool organizer does not have to be used in a method of monitoring a tool set. Merely, the tool organizer can be used as an organized storage place for the tool set when not in use.

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4.

Because these inventions are distinct for the reasons given above and have acquired a

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separate status in the art as shown by their different classification, restriction for examination

purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the search required

for Group II is not required for Group I, restriction for examination purposes as indicated is

proper.

6. Because these inventions are distinct for the reasons given above and have acquired a

separate status in the art because of their recognized divergent subject matter, restriction for

examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The

examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris P. Ellis can be reached on (703) 305-0168. Any inquiry of a general nature or

relating to the status of this application should be directed to the group receptionist whose

telephone number is (703) 308-1113.

As of May 1, 2003, any response to this action should be mailed to:

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Or faxed to: (703) 305-3597 or (703) 305-7687 (for formal communications intended for entry. (703) 746-3852 (for informal communications directly to the Examiner).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Friday, November 12, 2004

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JAS